



**The following constitutes the order of the court.  
Signed August 14, 2018**

**William J. Lafferty, III  
U.S. Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

|                     |  |            |
|---------------------|--|------------|
| In re               |  | Chapter 13 |
| Denisee A. Bennett, |  |            |
| Debtor.             |  |            |

## **MEMORANDUM REGARDING MOTION TO EXTEND THE STAY**

On August 9, 2018, the Court entered an order confirming that there is no stay in effect in this case (doc. 42). On August 13, 2018, Debtor filed a *Motion to Extend Automatic Stay* (“the Motion”) (doc. 44). The Motion is not in compliance with notice requirements under the Bankruptcy Local Rules and has several other legal deficiencies. However, in light of Debtor’s pro se status and the fact that she did not appear at the hearing where the Court explained why the stay was no longer in effect, the Court offers the following brief explanation for Debtor’s benefit.

Under the Bankruptcy Code, the automatic stay is only effective for 30 days if a debtor had a prior case pending and dismissed within the year previous to filing the current case. Debtor filed this case on May 16, 2018, which is less than one month after her previous case

was dismissed. Therefore, the automatic stay terminated by law two months ago. The order entered on August 9, 2018 simply confirmed that legal fact. The Court does not have the power to do what Debtor requests.

**\*END OF MEMO\***

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